

REMARKS

In the Non-Final Office Action, claims 1-16, 22-26 were rejected. Claim 1 was objected to because of certain terms in parentheses and the inclusion of the term “adapted to.” Likewise, claims 22, 24 were objected to for the term “adapted to.” Claim 25 was objected to because of its termination with two periods. In the claims, Applicant has amended claims 1, 22, 24-25 to overcome these objections. Applicant respectfully requests that the objections be removed.

Claims 1-8 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner finds the phrase “a series of a means” to be unclear. In the claims, Applicant has amended claim 1 to overcome this rejection, and respectfully requests that this rejection to claim 1 and its dependent claims 2-8 be removed.

Claims 1-16, 22-26 were further rejected under 35 U.S.C. §102(e) as being anticipated by Kapolka et al. (U.S. Pub. 20040138790). In response, Applicant submits the enclosed Declaration Under 35 C.F.R. §1.131 of Alan D. Colby and Larry Schaltre to overcome the Kapolka reference, whose earliest priority date is shown as August 18, 2000. As described below, this Declaration demonstrates Applicant’s prior conception and reduction to practice within the United States of an integrated system for routine maintenance of mechanized equipment.

As discussed in the Declaration, two proposals dated prior to August 18, 2000, the Quail West Proposal and the Deere Proposal, evidence Applicant’s conception of each limitation of claims 1, 22, and 24. In particular, the Quail West Proposal discloses a means to transmit a vehicle maintenance trigger to a remote location, described as “sensing and communications

technology located on equipment.” (*See* Decl. ¶ 7.) Location upon equipment directly allows this sensing and communication technology to be positionable upon a vehicle within a fleet and transmits signals to a remote location. (*Id.*) Further, the Quail West Proposal demonstrates a means to determine maintenance requirements of a vehicle based upon a transmitted maintenance trigger as claimed in claims 1, 22 and 24, allowing for customers to benefit from integrated wireless devices. (*Id.*, ¶ 8.) The Quail Proposal also discloses a means to alert, as claimed by claims 1, 22, and 24, which encompasses a thin client GCS application or integrated web browser, where GCS and other maintenance/management utilities are accessed by users. (*Id.*, ¶ 9.) Applicants explained that “continuous and real-time updates of equipment meter readings” may “trigger maintenance events, work order details regarding operator expenses, equipment utilization data, etc.,” all of which may serve to alert personnel of vehicles requiring service. As described, we conceived of a means to alert communicat[es] with the means to determine from a remote location, particularly through the web browser interface, Palm® handheld devices, and other wireless communications. (*Id.*)

Similarly, the Deere Proposal discloses a means to determine, described as a GCS central host within an electronically enabled community. (*Id.*, ¶ 13.) This “family of maintenance applications” included various modules (equipment maintenance, work orders, etc.) revolving around a central host, which integrates data from these sources, utilizing a database of maintenance information to determine whether maintenance or other services are recommended. (*Id.*) The Palm® handheld device allowed for entry of an equipment reading, which then triggered a certain set of recommended maintenance options. (*Id.*) This interface between Palm® VII PDAs and a central host was developed prior to August 18, 2000, and included

periodical communication between the central host and the means to transmit, directed by users of the handheld device. (*Id.*)

Applicants also disclosed in the Deere Proposal a computer readable memory accessible by the central host such that maintenance schedules with recommended maintenance intervals are stored for scheduled maintenance. (*Id.*, ¶ 16.) A Palm® handheld device necessarily communicated with the central host over a network such that an input of meter readings associated with a particular piece of equipment allowed a user to access a schedule of required maintenance, stored within a database at the central host, for that piece of equipment based upon the input data. (*Id.*) Moreover, in describing data delivery through GPS technology, Applicants also disclosed a means to transmit a vehicle maintenance trigger to a remote location by providing data from vehicle activities to the electronically enabled community, i.e., central host and database, so that it was accessible by modules requiring such information. (*Id.*, ¶ 17.)

Applicant's development of the Palm® handheld device also included a feature that caused items requiring service to appear in an equipment service module when an updated meter reading triggered required service, which also disclosed a means to alert maintenance personnel of vehicles requiring maintenance. (*Id.*, ¶ 14.) The system was further disclosed as a computer communicating to said means to transmit and said means to alert through a network. (*Id.*) Applicants also considered integrating pre-existing GCS capabilities with Palm® handheld devices, the world wide web, global positioning and geographical information systems (GPS, GIS), electronic data exchanges (EDI), automatic identification and data capture (Auto-ID) using radio frequency identification (RFID), radio frequency data capture (RFDC), and/or biometrics to identify and relay data to and/or from equipment, inventory, personnel and course vegetation. (*Id.*) These systems would necessarily transmit vehicle identifiers, as claimed in claim 2. (*Id.*)

Applicants also planned a completely internet-based model using a client server configuration as shown in the Quail West Proposal, which discloses a computer communicating to said means to transmit and said means to alert through a network, the limitations found in claim 3. (*Id.*, ¶ 10.)

Applicants also disclosed the limitations of claims 4-6. The Palm® handheld device is a personal digital assistant that comprises a computer station having a visual display and a touch screen. (*Id.*, ¶ 15.)

Applicants invented a database through which the central host may determine whether maintenance is triggered once data is received from peripheral systems such as handheld devices and sensors positioned upon the equipment, which discloses a computer readable memory accessible by the central host such that maintenance schedules with recommended maintenance intervals are stored for scheduled maintenance, all limitations found in claim 7. (*Id.*, ¶ 11.) Applicant's also considered the inclusion of information about recommended parts into the database, a limitation found in claims 8 and 26. Within the database, Applicant's described the use of this information by an equipment module through the computer network. (*Id.*)

Applicants further invented a method, as claimed in claim 9, comprising the steps of periodically receiving signals at the host processor containing maintenance trigger data associated with a specific vehicle, comparing trigger data to maintenance schedule data, determining whether maintenance is indicated on that vehicle, and if such maintenance is indicated, identifying each vehicle at a response station. (*See id.*, ¶ 18.) This method is disclosed in the Quail West and Deere Proposals, where the host processor received a signal with maintenance trigger data associated with a specific vehicle as directed by the user of a Palm® handheld device and compared this data to maintenance schedule data at the stored database.

(*Id.*) If the host processor determined that such maintenance was indicated, then the Palm® handheld device identified each vehicle and equipment item requiring service. (*Id.*) As described, Applicants also disclosed the generation and completion of work orders and detailed maintenance tasks for an identified vehicle in a work order module integrated with the host processor and handheld devices, as claimed in claims 10-12. (*Id.*)

Both proposals submitted by Applicant describe a fleet of mechanized outdoor application vehicles utilized at golf courses, as claimed in claims 13-14. (*Id.*, ¶ 19.) In particular, both proposals are directed to outdoor grounds care maintenance equipment such as lawn mowers, sprayers, spreaders and the like. (*Id.*)

As described in the Declaration, Applicant reduced its invention to practice within the United States at least as of its constructive reduction to practice on November 18, 2002, when a provisional application was filed upon which the present application claims priority, and as early as February 2002, when the invention was introduced to the public at a trade show in Orlando, Florida. (*Id.*, ¶ 21.) From the time that the invention was conceived prior to August 18, 2000, as described in the Declaration, Applicant diligently and continuously labored to reduce the invention to practice until this goal was achieved. (*Id.*, ¶ 20-21.)

Applicant requests that the Declaration Under 37 C.F.R. 1.131 by Alan Colby and Larry Schaltre be entered and respectfully submits that Declaration is sufficient to overcome the Kapolka reference. (*See* 37 C.F.R. §1.131.) Moreover, even if the Examiner takes the position that the Declaration and accompanying evidence is not completely commensurate with the scope of the claims, the evidence is still closer to the claimed invention than Kapolka and thus is effective to remove Kapolka as a reference. (*See* M.P.E.P. § 715.02 (“where the differences between the claimed invention and the disclosure of the reference are so small as to render the

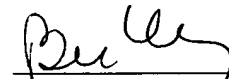
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claims obvious over the reference, an affidavit or declaration under 37 CFR 1.131 is required to show no more than the reference shows”).)

Accordingly, applicant respectfully submits that Claims 1-22, 24-26 are patentable over Kapolka and the rejections under 35 U.S.C. § 102(e) should be withdrawn. Favorable action and allowance of the Application as now presented is respectfully requested.

RESPECTFULLY SUBMITTED:

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